IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA OAKLAND DIVISION

BLUE SPIKE, LLC,	§
Plaintiff,	8 \$ Case No. 14-cv-1650-YGR
v.	Š Š JURY TRIAL DEMANDED
GOOGLE, INC.,	Š Š
Defendant.	\$ \$

PLAINTIFF'S REPLY IN RESPONSE TO DEFENDANT GOOGLE'S COUNTERCLAIMS

Plaintiff Blue Spike, LLC files this Reply to the Counterclaims of Defendant Google Inc. ("Google" or "Defendant") (Dkt. No. 48) as follows. All allegations not expressly admitted or responded to by Blue Spike, LLC are denied.

COUNTERCLAIMS

- 1. Blue Spike, LLC is without knowledge sufficient to form a belief as to the truth of the allegations of Paragraph 1 and therefore denies them.
- 2. Blue Spike, LLC admits the allegations of Paragraph 2.
- 3. Paragraph 3 does not contain any allegations requiring an admission or denial.
- 4. Blue Spike, LLC admits that this Court has jurisdiction over Defendant's counterclaims, but denies the remaining allegations of Paragraph 4.

<u>COUNT ONE</u> (Declaratory Judgment of Non-Infringement of the '175 Patent)

- 5. Blue Spike, LLC repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1-4.
- 6. Blue Spike, LLC admits the allegations of Paragraph 6.
- 7. Blue Spike, LLC denies the allegations of Paragraph 7.

8. Blue Spike, LLC denies the allegations of Paragraph 8.

COUNT TWO(Declaratory Judgment of Invalidity of the '175 Patent)

- 9. Blue Spike, LLC repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1-8.
- 10. Blue Spike, LLC admits the allegations of Paragraph 10.
- 11. Blue Spike, LLC denies the allegations of Paragraph 11.
- 12. Blue Spike, LLC denies the allegations of Paragraph 12.

COUNT THREE

(Declaratory Judgment of Non-Infringement of the '494 Patent)

- 13. Blue Spike, LLC repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1-4.
- 14. Blue Spike, LLC admits the allegations of Paragraph 14.
- 15. Blue Spike, LLC denies the allegations of Paragraph 15.
- 16. Blue Spike, LLC denies the allegations of Paragraph 16.

COUNT FOUR(Declaratory Judgment of Invalidity of the '494 Patent)

- 17. Blue Spike, LLC repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1-4 and 13-16.
- 18. Blue Spike, LLC admits the allegations of Paragraph 18.
- 19. Blue Spike, LLC denies the allegations of Paragraph 19.
- 20. Blue Spike, LLC denies the allegations of Paragraph 20.

COUNT FIVE

(Declaratory Judgment of Non-Infringement of the '700 Patent)

- 21. Blue Spike, LLC repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1-4.
- 22. Blue Spike, LLC admits the allegations of Paragraph 22.
- 23. Blue Spike, LLC denies the allegations of Paragraph 23.
- 24. Blue Spike, LLC denies the allegations of Paragraph 24.

COUNT SIX

(Declaratory Judgment of Invalidity of the '700 Patent)

- 25. Blue Spike, LLC repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1-4 and 21-24.
- 26. Blue Spike, LLC admits the allegations of Paragraph 26.
- 27. Blue Spike, LLC denies the allegations of Paragraph 27.
- 28. Blue Spike, LLC denies the allegations of Paragraph 28.

COUNT SEVEN

(Declaratory Judgment of Non-Infringement of the '472 Patent)

- 29. Blue Spike, LLC repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1-4.
- 30. Blue Spike, LLC admits the allegations of Paragraph 30.
- 31. Blue Spike, LLC denies the allegations of Paragraph 31.
- 32. Blue Spike, LLC denies the allegations of Paragraph 32.

COUNT EIGHT

(Declaratory Judgment of Invalidity of the '472 Patent)

33. Blue Spike, LLC repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1-4 and 29-32.

- 34. Blue Spike, LLC admits the allegations of Paragraph 34.
- 35. Blue Spike, LLC denies the allegations of Paragraph 35.
- 36. Blue Spike, LLC denies the allegations of Paragraph 36.

COUNT NINE

(Declaratory Judgment of Non-Infringement of the '728 Patent)

- 37. Blue Spike, LLC repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1-4.
- 38. Blue Spike, LLC admits the allegations of Paragraph 38.
- 39. Blue Spike, LLC denies the allegations of Paragraph 39.
- 40. Blue Spike, LLC denies the allegations of Paragraph 40.

COUNT TEN

(Declaratory Judgment of Invalidity of the '728 Patent)

- 41. Blue Spike, LLC repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1-4 and 37-40.
- 42. Blue Spike, LLC admits the allegations of Paragraph 42.
- 43. Blue Spike, LLC denies the allegations of Paragraph 43.
- 44. Blue Spike, LLC denies the allegations of Paragraph 44.

EXCEPTIONAL CASE

45. Blue Spike, LLC denies the allegations of Paragraph 45.

PRAYER FOR RELIEF

Blue Spike, LLC denies that Defendant is entitled to any of the relief it requests.

REQUEST FOR RELIEF PLAINTIFF'S PRAYER FOR RELIEF

In addition to the relief requested in Plaintiff's Amended Complaint, Blue Spike, LLC respectfully requests a judgment against Defendant as follows:

- (a) That Defendant take nothing by its Counterclaims;
- (b) That the Court award Blue Spike, LLC its costs and attorneys' fees incurred in defending against these Counterclaims; and
- (c) Any and all further relief for the Blue Spike, LLC as the Court may deem just and proper.

Respectfully Submitted,

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Counsel for Blue Spike LLC

CERTIFICATE OF SERVICE

I, Randall T. Garteiser, am the ECF User whose ID and password are being used to file this document. I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule 5-1 on October 20, 2014.

/s/ Randall T. Garteiser Randall T. Garteiser